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# Practicing Law as a Christian: Restoration Movement Perspectives

Thomas G. Bost and L. Timothy Perrin\*

## I. INTRODUCTION

Not all is as it should be in the legal profession. Practicing lawyers, in increasingly large numbers, are reporting being strongly disillusioned and profoundly wearied by their chosen profession.<sup>1</sup> More and more lawyers are seeking to escape the practice, with its perceived deadly cycle of stress and overwork. Perhaps as significantly, lawyers are not sure that their life's work has any lasting *meaning* to anyone. They worry that, rather than being regarded by their clients and the broader society as trusted and wise advisors or champions of justice, they are merely cogs in a wheel—technicians or hired guns in enterprises or contests they do not understand or care about. They often find their professional and personal lives to be compartmentalized, with little relationship to or integration with each other, and with sometimes starkly differing standards of conduct and morality.<sup>2</sup>

It is probably not an over-reaction to regard this state of affairs in the legal profession as a crisis. Further, because it involves meaning, integration, and wholeness in the life of the lawyer, we can agree with Anthony Kronman that it is a *spiritual* crisis: a “product of growing doubts about the capacity of a lawyer’s life to offer fulfillment to the person who takes it up. Disguised by the material well-being of lawyers, it is a spiritual

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1. See, e.g., MARY ANN GLENDON, A NATION UNDER LAWYERS 85 (1994) (citing a 1992 survey of California lawyers “indicat[ing] that 70% of those polled would choose another career” if given the opportunity and 75% would not wish a legal career upon their children).

2. See generally JOSEPH G. ALLEGRETTI, THE LAWYER’S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE 1-6 (1996).

crisis that strikes at the heart of their professional pride.”<sup>3</sup>

We believe that a substantial contributing factor to this crisis is the compartmentalization mentioned above: the separation of spiritual principle from professional conduct. We are both Christians, members of the Churches of Christ, a part of a religious movement called the “Stone-Campbell Restoration Movement” or, more simply, the “Restoration Movement.”<sup>4</sup> The past half-century has seen a transformation among Churches of Christ as they and their members have moved from the fringes of society into the mainstream of American social and economic life.<sup>5</sup> Correspondingly, the church has seen a flood of lawyers come within its ranks. We are part of that flood. Before coming to teaching, we practiced law in the tax and civil litigation areas, respectively. Although we believe that we sought diligently to conform to the ethical and practical standards of our profession requiring honesty and competence, we seldom contemplated whether our Christian beliefs had any particular significance to our law practice. The question *not* asked was whether our commitment to Christ called us to a standard of conduct higher than or different from the ethical rules propounded by the bar. Our purpose herein is to consider that question with some particular reference to our own religious heritage.

In Part II we describe the “standard vision” of lawyering and we summarize four models that Christians have adopted in relating to the secular culture, based on the seminal work of H. Richard Niebuhr in *Christ and Culture*.<sup>6</sup> In Part III, we focus specifically on the Restoration Movement and, in particular, we consider the separatist tendencies of several of that movement’s early leaders. Although we ultimately conclude that the separatist approach fails to provide sufficient resources for Christian lawyers who seek to fully integrate their faith commitments into their legal work, we do find that the “against culture” aspect of the Restoration Movement can and should serve as a valuable resource for its adherents. It empowers lawyers from that tradition to stand against the dominant culture, when appropriate, and to live according to the values taught and lived by Jesus Christ. In separately authored articles in this issue,<sup>7</sup> we attempt to apply the concepts discussed herein in the transactional and litigation contexts, respectively.

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3. ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 2 (1993).

4. On Churches of Christ, see generally RICHARD T. HUGHES, *REVIVING THE ANCIENT FAITH: THE STORY OF CHURCHES OF CHRIST IN AMERICA* (1996).

5. On the post-World War II sociological and economic transformation of Churches of Christ, see *id.* at 217-53.

6. H. RICHARD NIEBUHR, *CHRIST AND CULTURE* (Harper San Francisco 2001) (1951).

7. Thomas G. Bost, *The Lawyer as Truth-Teller: Lessons from Enron*, 32 PEPP. L. REV. (forthcoming 2005); L. Timothy Perrin, *Lawyer as Peacemaker: A Christian Response to Rambo Litigation*, 32 PEPP. L. REV. (forthcoming 2005).

## II. CHRIST AND THE CODE

A. *The Code*

The teaching and practice of law assume and are shaped by, in Joseph Alleghetti's words, the "standard vision" of lawyer conduct and ethical responsibility.<sup>8</sup> Under the standard vision, reflected in the various codes of professional responsibility governing lawyers, "the lawyer is the neutral partisan" for his or her client; "neutral" in that he does not let his moral values affect his actions on behalf of his client and "partisan" in that she does whatever she can within the limits of the law to advance her client's stated interests.<sup>9</sup> Because the standard vision is readily understood by most lawyers as imposing a code of conduct upon them in their practice of law, Alleghetti calls the standard vision the "Code."<sup>10</sup> Although the Code is not codified *per se*, it is reflected in the Constitution, with its guarantees of trial by jury<sup>11</sup> and assistance of legal counsel,<sup>12</sup> and in the American judicial system, which is primarily adversarial rather than inquisitorial. Under the adversarial system, the lawyer is the champion of his client and leaves "questions of 'truth' and 'justice' to others."<sup>13</sup> A lawyer conforming to the Code may see a trial as a sporting event with the judge as the umpire to insure that both sides, including their respective lawyers, play by the rules.<sup>14</sup> More ominously, under the Code the trial may be viewed by the lawyer as a war in which the parties fight to the finish with all available weapons, subject only to sanction by the court or some professional disciplinary body for those egregious violations of the Code that constitute war crimes. In a transactional context, the lawyer guided by the Code determines the client's business objective and then does everything "legal" to accomplish it. The lawyer's own morals or scruples are not imposed on her client and do not impact her work for her client.

Often, the lawyer's adherence to the Code will not find ready acceptance, approval, or understanding by non-lawyers. For example, the Code authorizes lawyers to bring or defend a lawsuit or to advance an argument in court even though they believe them to be unfounded or

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8. ALLEGRETTI, *supra* note 2, at 8-10.

9. *See id.* at 9.

10. *See id.* at 10.

11. *See* U.S. CONST. amend. VI, VII.

12. *See* U.S. CONST. amend. VI.

13. ALLEGRETTI, *supra* note 2, at 8; *see also* Deborah L. Rhode & Paul D. Paton, *Lawyers, Ethics, and Enron*, 8 STAN. J.L. BUS. & FIN. 9, 37 (2002) (noting that similar attitudes are found among students in business programs).

14. ALLEGRETTI, *supra* note 2, at 9.

incorrect,<sup>15</sup> and to defend criminal defendants even though they believe that their clients are guilty.<sup>16</sup> Further, in a transactional context, the lawyer may represent a client even though the lawyer views the transactional objectives as being deplorably extravagant, wasteful or socially or morally objectionable.<sup>17</sup> The lawyer may brush off the non-lawyer's moral criticism of his conduct in situations such as these by asserting that his neutral partisanship is fully justified because it serves the larger goal of justice. This approach assumes but does not, of course, establish the morality of compliance with the Code.

### *B. Models for Relating to the Code*

How should the Christian lawyer approach the Code: uncritical acceptance, wrathful rejection, or something in between? Allegretti suggests that thoughtful consideration of this question may be aided by reflecting on several types or models of the relationship of the lawyer to the Code.<sup>18</sup> These models may reflect the implicit and, in some cases, explicit self-understanding of the lawyer who asks the question, "How would Christ have me deal with the Code?" The models proposed by Allegretti posit Christ as being (1) in harmony with the Code, (2) against the Code, (3) in tension with the Code, and, finally, as (4) transforming the Code.<sup>19</sup> They are generally derived from Niebuhr's classic study, *Christ and Culture*, which examines the relationship of various Christian perspectives to the prevailing culture.<sup>20</sup> Niebuhr views Christians over the ages as having envisioned at least five distinct relationships between Christ and culture: (1) the Christ of culture, (2) Christ against culture, (3) Christ and culture in paradox, (4) Christ transforming culture and (5) Christ above culture.<sup>21</sup> The first four of these models correspond generally to those adopted by Allegretti.<sup>22</sup>

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15. MODEL RULES OF PROF'L CONDUCT R. 3.1 (2003) (stating that lawyer's conduct is limited by prohibition against pressing a "frivolous" case or argument).

16. *Id.* (stating that a lawyer may defend the proceeding to require that every element of the case be established by the prosecution).

17. *Id.* at R. 2.1 (stating that a lawyer may, but need not, refer to moral, economic, social and political factors in the course of giving advice).

18. See ALLEGRETTI, *supra* note 2, at 7-23.

19. *Id.* at 10-22.

20. See *id.* Niebuhr views "culture" as being the "artificial secondary environment" that humans impose on the natural environment. See NIEBUHR, *supra* note 6, at 32. Included within that environment would be "language, habits, ideas, beliefs, customs, social organization, inherited artifacts, technical processes, and values." See *id.* at 32. Law is necessarily a manifestation of culture under this definition. See *id.* at 32-33.

21. See *id.* at 32, 83-115 (Christ of culture); *id.* at 45-82 (Christ against culture); *id.* at 149-89 (Christ and culture in paradox); *id.* at 190-229 (Christ the transformer of culture); *id.* at 116-48 (Christ above culture).

22. Allegretti views Niebuhr's "Christ above culture" model as being so similar to his "Christ of culture" model that it need not be separately considered. See ALLEGRETTI, *supra* note 2, at 129 n.9. Others have applied Niebuhr's models to law. For example, Robert F. Cochran, Jr. makes the case that because law is a crucial component of culture, the Niebuhr typology can also be profitably used to characterize the historical approaches of various Christian traditions to the law itself. Robert F. Cochran, Jr., *Christian Traditions, Culture, and Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT 242 (Michael W. McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001).

*Christ and Culture* is still regarded as a classic and a seminal work in Christian thought.<sup>23</sup> Although it has been the subject of some relatively recent criticism,<sup>24</sup> its relevance is still widely acknowledged and even its critics note its usefulness in helping Christians reflect on their proper relationship with the culture.<sup>25</sup>

The remainder of this section is devoted to a discussion of Allegretti's four models. Because they are necessarily ideals or types, they are general in nature, rather than specific, and cannot be viewed as being exclusive or exhaustive. It is unlikely that any one model will precisely characterize the attitudes or beliefs of any particular lawyer. Rather, the models have value as analytical tools, as lenses that may enable the Christian lawyer to see herself more clearly as she seeks to discern and develop her attitude toward and relationship with the practice of law.<sup>26</sup>

### 1. Christ in Harmony with the Code

In this model, the lawyer perceives no particular tension between the Code and the gospel because he views Christian values as being identical with the values of the Code.<sup>27</sup> Christ is in fact regarded as, in Niebuhr's phrase, the "Christ of culture,"<sup>28</sup> meaning the Christ who is identified with what humans "conceive to be their finest ideals, their noblest institutions, and their best philosophy."<sup>29</sup> Among our "noblest institutions" and reflecting our "best ideals," and, therefore, necessarily adopted and blessed by Christ in this model, would be our constitutional system of equal justice under law as implemented through an adversarial process dependent upon zealous and effective representation by counsel.

As would be expected, in that they both proceed from Niebuhr's analysis, there is general correspondence between Cochran's view of the attitudes of Christians toward law and Allegretti's analysis of the attitudes of Christian lawyers toward the *practice* of law.

23. On CHRIST AND CULTURE as a "classic," see Martin E. Marty, *Forward* to NIEBUHR, *supra* note 6, at xiii-xix.

24. See, e.g., STANLEY HAUERWAS & WILLIAM H. WILLIMON, *RESIDENT ALIENS: LIFE IN THE CHRISTIAN COLONY* 39-43 (1989) (detailing criticism based on allegations that Niebuhr favored liberal, mainline American Protestantism which, in the authors' view, had not transformed culture, but had, in fact, been transformed by culture). For a spirited response to the critics, see James M. Gustafson, *Preface* to NIEBUHR, *supra* note 6, at xxi-xxxv.

25. Gustafson, *supra* note 24, at xxiii. George Marsden, critical of certain aspects of CHRIST AND CULTURE, notes that its typology, if used properly, "can continue to be a rich resource for helping Christians think about their relationships to the world." *Id.*

26. See NIEBUHR, *supra* note 6, at 43-44. Niebuhr acknowledges that no person or group ever fully conforms to a particular type or model. *Id.* Rather, the typology has value in identifying "the continuity and significance of the great *motifs* that appear and reappear in the long wrestling of Christians with their enduring problem [of relating to the prevailing culture]" and may "help us to gain orientation as we in our own time seek to answer the question of Christ and culture." *Id.* at 44.

27. ALLEGRETTI, *supra* note 2, at 14-17.

28. NIEBUHR, *supra* note 6, at 83.

29. *Id.* at 102-03.

Most lawyers, whether Christian or not, instinctively resonate with this model because the Code is a natural outgrowth of the adversary system of which they are integral components. If Christ is for justice, and it goes without saying that he is, he must be for the Code. Accordingly, there is no possible conflict between the lawyer's life as a Christian and her work as a lawyer. The gospel places no limits on the Code: what the Code says she must do, she must do. Just as significantly, what it says she *can* do, she can do. No moral questions present themselves to the lawyer abiding by the Code.<sup>30</sup>

There are undeniable strengths in this model. Because adherents of this model feel no "great tension between church and world, the social laws and the Gospel, the workings of divine grace and human effort, the ethics of salvation and the ethics of social conservation or progress,"<sup>31</sup> they are equally at home in the community of believers and in the wider community of culture. They are not reclusive but engaged in the world, coming into close contact and forming meaningful relationships with its citizens. Therefore, they are positioned to reflect, at least in some measure, the gracious presence of Christ to others.<sup>32</sup>

However, the limitations of the model are apparent. Because the gospel is identified with the values of the secular culture, it can make no moral claim upon that culture. Rather, the lawyer is absorbed into the culture and may be increasingly inclined to suspend moral or spiritual judgment about anything she does at work.<sup>33</sup> Her life becomes compartmentalized; she is "one person at church on Sunday and another person at work" the rest of the week.<sup>34</sup> She becomes, in Richard Wasserstrom's words,<sup>35</sup> an "amoral technician," seeking to further the client's goals, and her own career, in accordance with the Code.<sup>36</sup>

## 2. Christ Against the Code

In stark contrast to the Christ in harmony with culture model, the Christ against culture approach<sup>37</sup> maintains a distinctly negative view of the world<sup>38</sup> and of the standard vision of lawyering. Christians who adopt this approach emphasize the

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30. See ALLEGRETTI, *supra* note 2, 14-16.

31. NIEBUHR, *supra* note 6, at 83.

32. ALLEGRETTI, *supra* note 2, at 15.

33. *Id.* at 15-16.

34. *Id.*

35. Richard Wasserstrom, *Lawyers as Professionals: Some Moral Issues*, 5 HUM. RTS. 1, 6 (1975), quoted in ALLEGRETTI, *supra* note 2, at 16.

36. ALLEGRETTI, *supra* note 2, at 15-17.

37. See generally NIEBUHR, *supra* note 6, at 45-82; ALLEGRETTI, *supra* note 2, at 10-13; Cochran, *supra* note 22, at 245-47.

38. See NIEBUHR, *supra* note 6, at 47-48. According to Niebuhr, "the First Letter of John contains the least ambiguous presentation of this point of view." See *id.* at 46. The apostle John advises his readers: "Do not love the world or the things in the world. The love of the Father is not in those who love the world . . ." 1 John 2:15 (New Revised Standard Version) [hereinafter NRSV].

world's sinfulness.<sup>39</sup> The world is the domain of the devil and the powers of evil, and it stands in clear opposition to God and His Kingdom. Christians are subjects of that divine kingdom, not any earthly one. They answer, ultimately, to the King of Kings, not to earthly kings and rulers, and they live by the values taught and lived by Jesus Christ and his followers and not by the world's values. In this model, Christians live as exiles, aliens, and strangers in the world.<sup>40</sup> There are many examples of Christian groups who have adopted this approach over the course of the last two millennia, including generations of monks,<sup>41</sup> the Anabaptists of the Protestant Reformation<sup>42</sup> and their descendants, the Amish,<sup>43</sup> and the Mennonites,<sup>44</sup> among others.

Separatists are marked by their counter-cultural value systems, their rejection of material possessions and wealth, their pacifism,<sup>45</sup> their formation of rather insular communities,<sup>46</sup> their commitment to pious living, and their refusal to actively participate in the affairs of civil government.<sup>47</sup> These values can serve as an important reminder to Christian lawyers that the ways of the legal system are not necessarily the ways of the God of the universe, and just because a particular action is legally permissible or expected under the Code does not mean that it is consistent with Biblical values and ethics.

The "against culture" model also empowers the Christian lawyer to critique the legal system when necessary to make it more humane and moral.

39. See NIEBUHR, *supra* note 6, at 48. Niebuhr concludes that in John's view, "that world" is "a realm under the power of evil." *Id.* John describes the world as a place ruled by "the desire of the flesh, the desire of the eyes, the pride in riches." 1 John 2:16 (NRSV). Another translator of John's first letter translates John's description of the world as a "pagan society, with its sensuality, superficiality and pretentiousness, its materialism and its egoism." NIEBUHR, *supra* note 6, at 48 (quoting C. H. DODD, THE JOHANNINE EPISTLES 42 (1946)).

40. See *Philippians* 3:20 (the apostle Paul, writing to the fellowship of Christians located in Philippi, stated "[b]ut our citizenship is in heaven"); see generally HAUERWAS & WILLIMON, *supra* note 24, at 12 ("The church is a colony, an island of one culture in the middle of another. In baptism our citizenship is transferred from one dominion to another, and we become, in whatever culture we find ourselves, resident aliens.").

41. See ALLEGRETTI, *supra* note 2, at 10.

42. See Cochran, *supra* note 22, at 245-46 (noting that the "Anabaptist churches are the separatist branch of the Protestant Reformation").

43. See ALLEGRETTI, *supra* note 2, at 11 (concluding that today the Amish fit into the Christ against culture category).

44. See Cochran, *supra* note 22, at 246 (stating that "[t]he Mennonites are an example of an Anabaptist community in modern America").

45. See *id.* (noting that "Anabaptists are nonresistant" and that "they believe that Christians may not use force").

46. See, e.g., JOHN A. HOSTETLER, AMISH SOCIETY 2-4 (The Johns Hopkins Press 1993) (observing that the Amish community has been able to resist the homogenization process more so than others).

47. See NIEBUHR, *supra* note 6, at 61. Niebuhr looks to the works of Tolstoy as an example of a separatist who wrote about the relationship between the state and Christians. *Id.* Niebuhr summarized Tolstoy as follows: "The state and Christian faith are simply incompatible; for the state is based on love of power and the exercise of violence, whereas the love, humility, forgiveness, and nonresistance of Christian life draw it completely away from political measures and institutions." *Id.*



In this way the Christ against culture approach can serve a prophetic role,<sup>48</sup> not unlike the ministry of the Old Testament prophet Amos, and others many centuries ago.<sup>49</sup> Lawyers don't often think of themselves as prophets, but Christian lawyers are called, on occasion, to serve as prophets to their clients and to the legal system.<sup>50</sup> The separatist mindset helps to reorient Christian lawyers, reminding them that their ultimate allegiance is not to a client or a court or even a system, but to the Kingdom of God.

For Christian lawyers who have come to see the legal system as being in harmony with their faith, as described above, this approach disrupts that sense of harmony. Christian lawyers must ask the question, "Can a Christian be a lawyer?" and they must learn to live with some uncertainty about the answer.<sup>51</sup> Each and every day, Christian lawyers must navigate the legal system, constantly asking and imperfectly living out the answer to that question through their actions and decisions.

### 3. Christ in Tension with the Code

Niebuhr styles the third approach to culture as "Christ and culture in paradox" in that the authority of both Christ and culture are recognized, even though their opposition and frequent antagonism to each other are acknowledged and accepted.<sup>52</sup> He further labels followers to this model as "dualists" because they are "subject to the tension that accompanies obedience to two authorities who do not agree yet must both be obeyed."<sup>53</sup> For example, they understand that the believer must obey both the morally perfect Christ by extending to others, in Paul's words, the merciful love that "bears all things, believes all things, hopes all things, endures all things,"<sup>54</sup> as well as the sinful temporal ruler who wields the sword of merciless justice against wrongdoers in his representative capacity as "God's servant."<sup>55</sup>

In fact, following Paul, dualists see Christ at work and exercising lordship both in church and the believer's private life, on the one hand, and

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48. See ALLEGRETTI, *supra* note 2, at 51-63 (discussing the Christian lawyer's prophetic ministry to clients, organizations, and to the justice system).

49. Amos 5:11-12, 15, 24 (New International Version). Amos criticized Israel's lack of concern for the poor and the failure of her courts to deliver justice, as follows:

You trample on the poor and force him to give you grain. . . . You oppress the righteous and take bribes and you deprive the poor of justice in the courts. . . . Hate evil, love good; maintain justice in the courts. . . . [L]et justice roll on like a river, righteousness like a never-failing stream!

*Id.*

50. ALLEGRETTI, *supra* note 2, at 51-63.

51. See THOMAS L. SHAFFER, ON BEING A CHRISTIAN AND A LAWYER 32 (1981). Shaffer, in his groundbreaking book on Christian faith and the practice of law, raises the question, "Is it possible to be a Christian and a lawyer?" He concludes: "[I]t is possible to be a Christian and a lawyer only if the question remains unsettled — so that the tentative nature of the answer is an admonition to attempt in the practice of law more than the practice itself, the conventional professionalism of it, can bear." *Id.*

52. NIEBUHR, *supra* note 6, at 42, 149.

53. *Id.* at 42.

54. 1 Corinthians 13:7 (NRSV).

55. Romans 13:1-7 (NRSV).

in culture and the public sphere, on the other.<sup>56</sup> Although the Christian dies and rises to walk in a new life upon his spiritual new birth,<sup>57</sup> he still lives in the flesh in a dangerous and corrupt world. During the interval between his spiritual birth and his entry into God's eternal habitation upon his bodily death, culture and its institutions are needed to restrain evil, thereby making possible a "quiet and peaceable life."<sup>58</sup> On the one hand, the Spirit of Christ dwelling within the Christian and the Christian community corporately imparts "inner fountains" from which flow an ethics of life and regeneration in which true life is exemplified by "love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control."<sup>59</sup> On the other hand, because the Christian lives in a very real and temporal world, the new life in Christ also involves an ethics of culture guiding the Christian in his dealings with the temporal world, including notably the instruments of government and prevailing economic and social institutions.<sup>60</sup> These institutions of culture have a sort of negative function: "to prevent sin from becoming as destructive as it might otherwise be."<sup>61</sup> "[T]he authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer."<sup>62</sup>

Thus, the dualist embraces both Christ, with his Spirit-imparted ethics of regeneration and life, and culture, with its ethics of wrath aimed at preventing degeneration and viciousness.<sup>63</sup> These two ethics are held in tension in that they have different ends: eternal life in the Spirit of Christ as compared with God's wrath against wickedness in a dying world.<sup>64</sup> Further, they have different "fronts" - "the front of the divine-human encounter" in the life of the Christian and church as distinguished from the front of the Christian's struggle with the sin and darkness of the temporal world.<sup>65</sup>

Martin Luther is representative of the dualist model, often speaking of "two kingdoms;" he acknowledged that Christ, "a kingdom of grace and mercy," and culture, "a kingdom of wrath and severity,"<sup>66</sup> are fundamentally incompatible, but embraced both, holding them in tension because of his conviction that God works toward good, if different, ends in both.<sup>67</sup> Luther believed that, although Christ does not directly govern culture, he frees the

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56. See NIEBUHR, *supra* note 6, at 159-67 (discussing dualistic motif in the life of Paul).

57. See *Romans* 6:4.

58. NIEBUHR, *supra* note 6, at 167; 1 *Timothy* 2:1-2.

59. *Galatians* 5:22; see also NIEBUHR, *supra* note 6, at 162.

60. NIEBUHR, *supra* note 6, at 164-67.

61. *Id.* at 165.

62. *Romans* 13:4.

63. NIEBUHR, *supra* note 6, at 166.

64. *Id.*

65. *Id.*

66. II WORKS OF MARTIN LUTHER 338 (1915-1932), quoted in NIEBUHR, *supra* note 6, at 171.

67. See NIEBUHR, *supra* note 6, at 171.

Christian to be his representative in culture, serving his neighbors through all of the ordinary human vocations.<sup>68</sup> Niebuhr notes Luther's "dualism of the 'How' and the 'What' of conduct."<sup>69</sup> *How* does the Christian serve her neighbor in the culture? She serves with love, integrity and selflessness as empowered by the Spirit of Christ. Of *what* does her service consist? Her service consists of work in the vocations recognized and needed by culture in accordance with methods and rules supplied by the culture itself.<sup>70</sup> "From Christ we receive the knowledge and the freedom to do faithfully and lovingly what culture teaches or requires us to do."<sup>71</sup>

This model has undeniable strengths. The Christian lawyer may serve his neighbor by achieving justice and restraining evil through the practice of law in accordance with the culture's methods and laws, in other words, in accordance with the Code.<sup>72</sup> Following Luther, he knows that a fallen and irredeemable culture will not be transformed by his service therein, but he can attempt to model Christ's love and bring a measure of the Spirit of Christ to the culture by serving his clients with love and integrity.<sup>73</sup> In that way, the culture will become, in Martin Marty's phrase, "more congruent with Christ."<sup>74</sup>

However, the difficulties of this model must be noted. Niebuhr describes the "static and undialectical" reproductions of the dualist model by many of Luther's successors: "As faith became a matter of belief rather than the fundamental, trustful orientation of the person in every moment toward God, so the freedom of the Christian man became autonomy in all the special spheres of culture."<sup>75</sup> In other words, much as with the model of "Christ in harmony with the Code," the Christian lawyer may find her conduct indistinguishable from that of other participants in the general legal culture, with a resulting compartmentalization of Christ and the Code.<sup>76</sup> This compartmentalization brings with it an uneasy realization on the part of the sensitive dualist that not all is as it should be. Even though she acknowledges the lordship of Christ, that lordship is not affecting her reaction to and service under the Code. As Allegretti notes, "The lawyer in [the Christ in harmony with the Code model] knows that he can be both a good lawyer and a good Christian while the lawyer in [the dualist model] *hopes* that it is possible to be both but *fears* that it is not."<sup>77</sup> The practical result can be an unsettling sort of moral schizophrenia, typified by the

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68. *Id.* at 174.

69. *Id.* at 175.

70. *Id.* at 171-77; *see also* Cochran, *supra* note 22, at 247.

71. NIEBUHR, *supra* note 6, at 175.

72. *See* ALLEGRETTI, *supra* note 2, at 15.

73. Cochran, *supra* note 22, at 247.

74. MARTY, *supra* note 23, at xviii.

75. NIEBUHR, *supra* note 6, at 179.

76. *See* ALLEGRETTI, *supra* note 2, at 14-17.

77. *Id.* at 18 (emphasis in original).

church deacon who confessed to Allegretti: "I've got to do something on the weekend to make up for what I do during the week."<sup>78</sup>

#### 4. Christ Transforming the Code

As with the Christ against culture model, this fourth approach – Christ transforming culture<sup>79</sup> – recognizes the sinfulness of the world.<sup>80</sup> Yet, it adopts a more positive and hopeful attitude toward culture, a belief that with God all things are possible, even the transformation of culture into the very likeness of God.<sup>81</sup> This transformative model emphasizes the sovereignty of God over everything, including the sinful world and the secular government, and it sees Christ as working to transform and redeem the fallen world.<sup>82</sup> The gospel penetrates all aspects of life, including the law and its institutions.<sup>83</sup>

In this model, some Christians are called by God to be lawyers, salt and light in the world,<sup>84</sup> and the lawyer's faith is highly relevant to his work.<sup>85</sup> Thus, this model "rejects the artificial separation of life into private and public spheres."<sup>86</sup> "No code, canon, or law can exempt lawyers from the sovereignty of the one true God."<sup>87</sup> The lawyer in this model is not "an amoral technician," but instead is a moral agent, and he "cannot avoid moral responsibility for his actions by appealing to the Code or to his professional role."<sup>88</sup> One of the great strengths of the transformative model is that its followers seek to live integrated lives. Following the example of the virtuous Atticus Finch in *To Kill a Mockingbird*,<sup>89</sup> they seek to be the same person in the office and in the courtroom as they are at home and at church.<sup>90</sup> This integration offers relief from the fragmented lives and value systems that plague many lawyers today.<sup>91</sup>

78. *Id.* (internal quotation marks omitted).

79. See NIEBUHR, *supra* note 6, at 190-229.

80. See Cochran, *supra* note 22, at 244. Niebuhr characterizes this approach as believing that a consequence of the fall of man was that "[m]an's good nature has become corrupted; . . . warped, twisted, and misdirected." NIEBUHR, *supra* note 6, at 194.

81. See NIEBUHR, *supra* note 6, at 191-96.

82. *Id.*

83. ALLEGRETTI, *supra* note 2, at 20.

84. See *Matthew* 5:13-16.

85. See ALLEGRETTI, *supra* note 2, at 21.

86. *Id.* at 20-21.

87. *Id.* at 21 (citing JAMES A. PIKE, *BEYOND THE LAW: THE RELIGIOUS AND ETHICAL MEANING OF THE LAWYER'S VOCATION* 24 (1963)).

88. ALLEGRETTI, *supra* note 2, at 21.

89. HARPER LEE, *TO KILL A MOCKINGBIRD* (Warner Books 1982) (1960).

90. See *id.* at 46 (statement by Miss Maudie to Scout, the daughter of Atticus Finch: "Atticus Finch is the same in his house as he is on the public streets"); *id.* at 274 (in refusing to lie to protect his son from harm, Atticus Finch says, "I can't live one way in town and another way in my home"); see also Thomas L. Shaffer, *On Living One Way in Town and Another at Home*, 31 VAL. U. L. REV. 879, 879, 883, 891-92 (1997) (identifying "religious ethics" as an important resource for lawyers who seek to live the same way in town and at home).

91. See ALLEGRETTI, *supra* note 2, at 22. He concludes that:

The great reformer, John Calvin, is typically identified with the transformative model.<sup>92</sup> Unlike the separatists, Calvin believed that Christians could resort to the secular courts under certain circumstances, and, as a law-trained person himself,<sup>93</sup> he believed that a Christian could be a lawyer.<sup>94</sup> In his classic work, *Institutes of the Christian Religion*, he described the Christian's proper use of the legal system in this way:

[L]awsuits are permissible if rightly used. There is right use, both for the plaintiff in suing and for the accused in defending himself, . . . without bitterness, but only with this intent, to defend what is his by right, and if on the other hand, the plaintiff undeservedly oppressed either in his person or in his property, puts himself in the care of the magistrate, makes his complaint, and seeks what is fair and good. But he should be far from all passion to harm or take revenge, far from harshness and hatred, far from burning desire for contention. He should rather be prepared to yield his own and suffer anything than be carried away with enmity toward his adversary.<sup>95</sup>

Calvin's words serve as a model of the transformative approach. Rather than avoiding the legal system altogether on the one hand, or capitulating to its values on the other hand, Calvin advises that Christians can actively

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[T]he first step for lawyers . . . is to break down the walls that have compartmentalized their lives. They must come to appreciate and affirm that God is the God of the whole week, and that all of us are called to be disciples of Christ throughout the whole week, not just at church but at home, at work, and at play.

92. See NIEBUHR, *supra* note 6, at 217-18 (noting that "[t]he conversionist idea is prominent in [Calvin's] thought and practice").

93. See Joseph Allegretti, "In All This Love Will Be the Best Guide": John Calvin on the Christian's Resort to the Secular Legal System, 9 J.L. & RELIGION 1, 1 n.1 (1991) (noting that Calvin studied law at Orleans and Bourges between 1528 and 1531). In commenting on the significance of Calvin's legal training, one Calvin biographer has observed: "[H]is mind in obvious ways remained that of a lawyer; further, it was his legal education that introduced him to the worlds of humanism and philology." See S. SELINGER, CALVIN AGAINST HIMSELF: AN INQUIRY IN INTELLECTUAL HISTORY 86 (1984).

94. See JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION, BOOK IV, at 1506-07 (John T. McNeill ed., Ford Lewis Battles, trans., Westminster Press 1960) (1538) (noting that "lawsuits are permissible if rightly used").

95. See *id.* at 1506. Lest one believe that Calvin's words address a very different time and place, it is important to note that Calvin recognized that his vision of a litigant (and advocate) who is not motivated by revenge, bitterness, or hatred was a far cry from the typical situation in his day. He stated:

For this must be a set principle for all Christians: that a lawsuit, however just, can never be rightly prosecuted by any man, unless he treat his adversary with the same love and good will as if the business under controversy were already amicably settled and composed. Perhaps someone will interpose here that such moderation is so uniformly absent from any lawsuit that it would be a miracle if any such were found. Indeed, I admit that, as the customs of these times go, an example of an upright litigant is rare; but the thing itself, when not corrupted by the addition of anything evil, does not cease to be good and pure. But when we hear that the help of the magistrate is a holy gift of God, we must more diligently guard against its becoming polluted by our fault.

*Id.* at 1507.

participate in the legal system, but in doing so should seek to transform the system so that it reflects Godly values.<sup>96</sup>

### III. THE AMERICAN RESTORATION MOVEMENT AS AN EXAMPLE OF THE “CHRIST AGAINST CULTURE” MODEL

#### A. Overview of the Restoration Movement

As noted above, the authors belong to an American religious movement known as the “Restoration Movement,” which traces its origins to the early 1800s, and to at least to some degree has adopted an “against culture” response to the world.<sup>97</sup> The goal of the restoration movement was to bring unity to the Christian church by restoring the beliefs and practices of first century Christianity.<sup>98</sup> The principal means of achieving that lofty goal was by emphasizing adherence to the Biblical text and that alone, instead of human creeds.<sup>99</sup> That emphasis on the counter-cultural truths contained in the New Testament led a number of the early leaders of the Restoration Movement, including Barton W. Stone, Tolbert Fanning, and David Lipscomb, to adopt the “Christ against culture” worldview and to live as if the final rule of the kingdom of God were present in the here and now.<sup>100</sup> While it would overstate the case to claim that the movement as a whole adopted the separatist practices of the Anabaptists or the Amish, these leaders (and others) thought of themselves as pilgrims, aliens, and strangers in the world; their citizenship was in heaven, not on this earth.<sup>101</sup> They affirmed their allegiance to God rather than to the kingdoms or values of the material world.<sup>102</sup>

96. *Id.* at 1506-07.

97. See generally HUGHES, *supra* note 4, at 11 (dating the beginnings of the Restoration Movement to events in the first decade of the nineteenth century).

98. See *id.* at 11 (noting that the early leaders of the Restoration Movement “actively promoted the restoration of primitive Christianity as the means of uniting all Christians”).

99. See *id.* at 31. Alexander Campbell, who is considered one of the most influential early leaders of the restoration, viewed the New Testament as the only possible basis for the unity of all Christian believers. *Id.* at 30-31. Richard Hughes characterizes his understanding as follows: “Campbell thought that divisions among Christians could be traced directly to human opinions *about* the Christian faith, codified and formalized in the various creeds. He sought, therefore, to eliminate the defining importance of opinions in religion.” *Id.* at 31.

100. See RICHARD T. HUGHES, *RECLAIMING A HERITAGE: REFLECTIONS ON THE HEART, SOUL, & FUTURE OF CHURCHES OF CHRIST* 72-73 (2002) (stating that the so-called “apocalyptic worldview” adopted by many in the Restoration Movement meant “to live . . . as if the final triumph of the Kingdom of God were complete”) (emphasis in original) [hereinafter “RECLAIMING A HERITAGE”]. See also *supra* text accompanying notes 46-51.

101. See RECLAIMING A HERITAGE, *supra* note 100, at 72-73.

102. See, e.g., DAVID LIPSCOMB, *CIVIL GOVERNMENT: ITS ORIGIN, MISSION, AND DESTINY AND THE CHRISTIAN’S RELATION TO IT* 145 (1913).

The effective way for Christians to promote morality in a community, is, to stand aloof from the political strifes and conflicts, and maintain a pure and true faith in God, which is

Not surprisingly, this worldview radically shaped their notion of the Christian's relationship to civil government and by implication, the legal system. They lived lives marked by counter-cultural values. They "downplayed material concerns"<sup>103</sup> and showed profound concern for the poor and hungry;<sup>104</sup> they strongly opposed slavery and actually released their slaves;<sup>105</sup> they strove to fulfill the ethical and moral commitments laid out in the Bible;<sup>106</sup> and they were pacifists.<sup>107</sup>

## B. Early Leaders of the Restoration Movement

Barton W. Stone, who, along with Alexander Campbell, is considered one of the most important early leaders of the Restoration Movement, initially set out for a career as a lawyer, but gave up the study of law to become a preacher.<sup>108</sup> Stone later gave up all of his salary for his preaching and "committed himself to a life of poverty," eking out a meager existence from his farm.<sup>109</sup> Stone expressed his separatist philosophy in no uncertain terms:

Christ's kingdom is not of this world. Its policy, its laws, its government and interests are different. . . . Christ is king, and from him have emanated laws sufficient to govern his subjects. . . . [We] have therefore rejected all human laws, and man-made confessions of faith, as the rules of Christian conduct.<sup>110</sup>

Stone believed that Christians should show "by their peaceful, holy lives, that his laws are sufficient to govern the whole world in peace and love."<sup>111</sup>

the only basis of true morality, and is as a leaven in society, to keep alive an active sense of right.

103. See RECLAIMING A HERITAGE, *supra* note 100, at 74 (describing Barton W. Stone's commitment to a life of poverty).

104. See *id.* at 77 (noting that David Lipscomb displayed a "consistent bias toward and concern for the poor"). Lipscomb described the church as "the especial legacy of God to the poor of the earth. . . . It is the rich who are out of their element in Christ's church." *Id.*

105. See D. Newell Williams, *From Trusting Congress to Renouncing Human Governments: The Millennial Odyssey of Barton W. Stone*, 61 DISCIPLIANA 67, 71-72 (2001) (describing Barton W. Stone's abolitionist views); RECLAIMING A HERITAGE, *supra* note 100, at 74 (noting that Stone "freed the slaves that came into his possession by virtue of his marriage to a Tennessee woman").

106. See RECLAIMING A HERITAGE, *supra* note 100, at 74 (noting that Barton Stone "geared his life to ethical and moral commitments in the light of the coming Kingdom of God").

107. See *id.* at 77; HUGHES, *supra* note 4, at 74-75; see generally Michael W. Casey, *From Religious Outsiders to Insiders: The Rise and fall of Pacifism in the Churches of Christ*, 44 J. CHURCH & ST. 455, 457-68 (2002) (providing overview of pacifist tradition in the Churches of Christ).

108. See D. NEWELL WILLIAMS, BARTON W. STONE: A SPIRITUAL BIOGRAPHY 16 (2000); Douglas A. Foster, *The Springfield and Cumberland Presbyteries: Conflict and Secession in the Old Southwest*, 32 RESTORATION Q. 165, 166 (1990) (noting that Barton Stone attended school at David Caldwell's academy in 1790 "with the desire to become a lawyer," but a revival at the school caused him to "direct . . . his attention toward religion").

109. See HUGHES, *supra* note 4, at 108-09.

110. Barton W. Stone, *Civil and Military Offices Sought and Held by Christians*, in 12 THE CHRISTIAN MESSENGER 201 (Alvin Jennings, ed., Star Bible Publications, 1978) (1841).

111. Barton W. Stone, *Reflections of Old Age*, in 13 THE CHRISTIAN MESSENGER 123, 126 (Alvin Jennings ed., Star Bible Publications 1978) (1843).

Another leader of the Restoration Movement, Tolbert Fanning, became a restoration preacher and later started Franklin College in Franklin, Tennessee, serving as president from 1845-61.<sup>112</sup> He “advised his students to avoid careers in law, medicine, the military, or merchandising,” instead directing them to pursue careers in “teaching, preaching, farming, and working with their hands.”<sup>113</sup> Yet, Fanning did participate in the legal system as a defendant in a civil case on at least one occasion.<sup>114</sup> As a young man, Fanning publicly rebuked a slave-owning member of the congregation and the member “filed suit against him for using inflammatory language to the slaves.”<sup>115</sup> A local attorney defended Fanning and won the case.<sup>116</sup> Nonetheless, Fanning viewed God’s law as all-sufficient, stating “Persons governed by the Law of God, need no other, at least as far as Christians are concerned; and were all men the servants of God, other governments than the divine would be useless.”<sup>117</sup>

David Lipscomb attended Fanning’s Franklin College and graduated in 1849.<sup>118</sup> During his eventful life, Lipscomb spent time as a farmer, businessman, editor of a religious periodical, and preacher of the gospel.<sup>119</sup> The Civil War marked a major turning point for Lipscomb and his view of the relationship of Christians to the world.<sup>120</sup> As he witnessed Christian soldiers from the North killing Christian soldiers from the South and vice versa, he became an outspoken opponent of participation in or support of the war by Christians.<sup>121</sup> The story is told of a Confederate soldier who was sent to hear Lipscomb preach during the Civil War to determine whether

112. See HUGHES, *supra* note 4, at 64.

113. *Id.* at 131. Fanning’s view was informed, at least in part, by a strong bias against wealth and a belief that poverty was a virtue. See *id.* On one occasion in 1857 Fanning stated that “all classes not versed in the arts of industry are beyond the reach of the gospel of Christ.” *Id.*

114. JAMES R. WILBURN, *THE HAZARD OF THE DIE: TOLBERT FANNING AND THE RESTORATION MOVEMENT* 24 (1980).

115. *Id.*

116. *Id.* at 25.

117. *Id.* at 225.

118. H. Leo Boles, *Biographical Sketch on the Life of David Lipscomb*, in *BIOGRAPHICAL SKETCHES OF GOSPEL PREACHERS* 243, 244 (1932), available at <http://therestorationmovement.com/lipscomb,bio.htm> (last visited Nov. 12, 2004).

119. See *id.* at 245-46.

120. See *id.* at 245; see also Casey, *supra* note 107, at 458 (opining that “[t]he Civil War clearly shaped and tested Lipscomb’s views” about war and the Christian’s role in supporting civil government).

121. See Casey, *supra* note 107, at 458. In the Preface to his book *Civil Government*, Lipscomb found it “abhorrent” that:

Brethren for whom Christ died, children of him who came to heal the broken-hearted, to be a father to the fatherless and a husband to the widow, were found imbruing their hands in the blood of their own brethren in Christ, making their sisters widows and their sisters’ children orphans.

LIPSCOMB, *supra* note 102, at iv.



Lipscomb was advocating treason.<sup>122</sup> The soldier reported back to Commander Nathan Bedford Forest, “I have not reached a conclusion as to whether or not the doctrine of the sermon is loyal to the Southern Confederacy, but I am profoundly convinced that he is loyal to the Christian religion.”<sup>123</sup> One contemporary described Lipscomb as follows:

[He] is a plain and unassuming man, with the simplicity of a child. . . . He lives in utter disregard of the notions of the world, puts on no airs, wears just such coat, hat and pants as suit him. . . . It is refreshing to meet [some]one content to be the *plain man of God*.<sup>124</sup>

In 1866 and 1867, in the immediate aftermath of the Civil War, David Lipscomb wrote a series of articles that he ultimately collected into a book entitled *Civil Government: Its Origin, Mission, and Destiny and the Christian's Relation to It*.<sup>125</sup> In the book, Lipscomb espoused that the very institution of human government, including the government of the United States of America, “was an act of rebellion and began among those in rebellion against God, with the purpose of superseding the Divine rule with the rule of man.”<sup>126</sup> In light of his decidedly negative view of government, Lipscomb believed that a Christian could not support the government in any way whatsoever.<sup>127</sup> Christians could not vote,<sup>128</sup> serve in the military,<sup>129</sup> take

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122. LEE C. CAMP, *MERE DISCIPLESHIP* 19 (2003).

123. *See id.*

124. Benjamin Franklin, *Visit to Tennessee*, in 18 AM. CHRISTIAN REV. 220 (1875).

125. *See* LIPSCOMB, *supra* note 102, at v.

126. *Id.* at 9. Lipscomb identifies Nimrod, the grandson of Ham, great-grandson of Noah, as “the founder of the first government organized outside of the family institution, ordained by God from the beginning.” *Id.* at 8. According to the historian Flavius Josephus, Nimrod persuaded the people to “build a city and a tower whose top may reach unto heaven.” *Id.* *See generally* FLAVIUS JOSEPHUS, *ANTIQUITIES OF THE JEWS, BOOK ONE*, reprinted in *THE COMPLETE WORKS OF JOSEPHUS* (William Whiston trans. 1960). The result was the so-called Tower of Babel, a story told in chapter 11 of the Old Testament book of Genesis. *See Genesis* 11. Lipscomb quotes from Josephus to support his claim, as follows: “Now it was Nimrod who excited them to such affront and contempt of God. . . . He also gradually changed the government into tyranny, seeing no other way of turning men from the fear of God, but to bring them into a constant dependence on his own power.” LIPSCOMB, *supra* note 102, at 9 (quoting FLAVIUS JOSEPHUS, *ANTIQUITIES OF THE JEWS, BOOK ONE*, reprinted in *THE COMPLETE WORKS OF JOSEPHUS* (William Whiston trans. 1960)).

127. *See* LIPSCOMB, *supra* note 102, at 141.

128. *See id.* at 145 (“[T]o vote or use the civil power is to use force and carnal weapons. Christians cannot use these.”). Lipscomb opined that “Christians are to be supporters and partisans of none.” *Id.* at 133. He believed that by voting, Christians engage in active support of the government and assume responsibility for all of its actions. *See id.* at iv. “Every one then that actively supports human government, is just as responsible for the wars and bloodshed that grow out of its existence and maintenance as are the men who actively wage and carry on the war.” *Id.* at 140.

Barton W. Stone shared Lipscomb’s viewpoint on voting, stating that a Christian’s only duty to civil government is to be bound by it. Stone, *supra* note 110, at 201, 204. He summarized his view of civil governments as follows:

[O]ur Congress and State legislatures, are schools of corruption and demoralization. . . and that the politics of the day are in opposition to the politics of heaven. . . . Men by the light of truth are beginning to see that Christians have no right to make laws and governments for themselves, and that all should submit to the government and laws of our king. . . . If they will not, we should not aid them in rebellion against their rightful sovereign.

a position as a government official,<sup>130</sup> or even serve on a jury.<sup>131</sup> For Lipscomb the proper relationship between the government and a Christian was purely passive - pay taxes, comply with the law (provided it did not conflict with God's law), but otherwise avoid support of the government altogether.<sup>132</sup>

### C. The Restoration Movement and the Practice of Law

If one accepts the distinctly negative views of the world and civil government held by Lipscomb, Stone, and Fanning, there is, undoubtedly, a very real question about whether a Christian could legitimately engage in the practice of law.<sup>133</sup> After all, a lawyer is an officer of the court, no position for one who believes government is by its very nature in opposition to God.

Nevertheless, many members of the Restoration Movement have pursued legal careers, engaging in transactional and litigation practices of all kinds: moreover, within the last 35 years, two universities affiliated with the Churches of Christ have established law schools – Pepperdine University in 1970<sup>134</sup> and Faulkner University in 1983.<sup>135</sup> As much as anything else, this development may reflect sociological changes in the Churches of Christ after

Stone, *supra* note 111, at 123, 125-26.

129. See LIPSCOMB, *supra* note 102, at 141-42 (noting that a Christian can work for the government only as a teacher, carpenter, or other jobs that do not require active support of or allegiance to the government).

130. See *id.* at 141-42 (stating that “[a]s a rule [the Christian] may work as an employee [sic] of the government but may not be an officer or supporter”).

131. See *id.* at 141. Though Lipscomb recognizes that the question of whether a Christian “violate[s] the law of God” by participating in jury service is a difficult question, he ultimately decides that the Christian should avoid it. *Id.* He states:

[T]he Christian should take no part in the administration or support of the government. Jury service is a part of its administration, and frequently lays on the jury[member] the duty of determining the life or death of his fellowman [sic], and leads into affiliation with the agencies of government.

*Id.*

132. See *id.* at 132. Lipscomb noted that:

The Christian is to pay his taxes, and perform all duties laid upon him by the government, that involve no active support of the government, and that involve no violation of the commands of God and the spirit of the religion of Christ, as part of his duties to God — as his religious duty.

*Id.*

133. Although Lipscomb does not explicitly address the question of whether a Christian can practice law, he does come close to the question by comparing “Saul the vindictive persecutor” and “the Apostle Paul dying daily and willing himself to be accursed to save his brethren the Jews.” See *id.* at 141. Lipscomb suggests that the change in Paul from a willing conspirator with the government in the persecution of Christians to the apostle of Christ and selfless preacher of the gospel “shows that religion and devotion are only good in the path and for the ends for which God has fitted them. They are not in place ruling with the sword.” *Id.*

134. See Pepperdine University, History of the University, at <http://law.pepperdine.edu/prospective/academics/catalog/history.jsp> (last visited Nov. 12, 2004).

135. See Faulkner University, History of T.G. Jones School of Law, at <http://www.faulkner.edu/law/info/history.cfm> (last visited Nov. 12, 2004).

World War II, when the church's socio-economic status improved significantly and many of its members and churches were swept up in the country's nationalistic fervor.<sup>136</sup>

Despite the shift of the Restoration Movement into the religious mainstream, there remains even today a committed group of "Stonites" in the Movement. These individuals espouse the radical discipleship exemplified by the lives of Stone, Fanning, and Lipscomb, and who have produced a body of literature advocating an "against culture" way of life.<sup>137</sup> For example, one contemporary Restoration writer recently described the radical discipleship demanded by Jesus as follows: "[I]f the gospel [is] true, then our fundamental identity will be wrapped up in the new kingdom. Full allegiance must be given, shared with no other. There is no dual citizenship, but only complete commitment and obedience."<sup>138</sup>

#### IV. CONCLUSION

The "against culture" approach of those in the Restoration Movement provides a helpful counterbalance to the standard vision of lawyering that is embraced by so many Christian lawyers. It cautions Christian lawyers to resist the temptation to embrace the Code and its ways and values, instead substituting God's values and His ways. Codes of ethics and rules of procedure are insufficient guides for the Christian practitioner. While the total rejection of civil government advocated by Stone, Fanning, and Lipscomb may be extreme,<sup>139</sup> the prophetic call of their lives and words must not be ignored.

Yet, as Allegretti argues, "[t]hose who renounce secular society . . . forget that God is at work redeeming all of creation . . . and so there is no place that is beyond the reach of God's loving grace."<sup>140</sup> The Biblical image of Christians as resident aliens makes clear that they are subject to another King, which should inspire Christian lawyers as they approach and go about their work, motivating them to lead lives "worthy of the calling to which [they] have been called."<sup>141</sup> However, it should not remove them altogether from the hurly-burly of the public square, where the influence of people of faith is so sorely needed. Luther told his followers to "sin boldly," to step out into the marketplace (or courtroom or law office) in faith, and to boldly

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136. See Casey, *supra* note 107, at 470 (observing that "[a]fter World War II, the Churches of Christ enjoyed the fruits of the post-war economic boom," and that "[p]acifism was viewed as an irrelevant embarrassment of an outsider past").

137. See, e.g., CAMP, *supra* note 122, at 23-26; RECLAIMING A HERITAGE, *supra* note 100, at 72-78 (arguing that the "apocalyptic worldview" of Stone, Fanning, and Lipscomb provide the means to "nurture and sustain us as we seek to resist the seductions of our culture"); see also Casey, *supra* note 107, at 455-75 (describing the pacifist tradition within the Churches of Christ).

138. See CAMP, *supra* note 122, at 58-59.

139. See discussion *supra* Section III.

140. ALLEGRETTI, *supra* note 2, at 13.

141. Ephesians 4:1.

follow God as perfectly as possible.<sup>142</sup> The transformational approach provides Christian lawyers with a worthy goal, one unlikely to be achieved in the here and now, but nonetheless demanding of complete commitment.

The total and complete rejection of the world leaves those who work in the world with little practical help in resolving the difficult ethical and moral issues that they confront on a regular basis and may even exacerbate their already profound sense of living fragmented lives.<sup>143</sup>

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142. Epistle from Martin Luther, to Philip Melanchthon (August 1, 1521), *available at* <http://www.iclnet.org/pub/resources/text/wittenberg/luther/letsinsbe.txt> (last visited Nov. 12, 2004). The complete quotation is: "Be a sinner, and let your sins be strong, but let your trust in Christ be stronger, and rejoice in Christ who is the victor over sin, death, and the world." *Id.*

143. See ALLEGRETTI, *supra* note 2, at 22 (concluding that the Christ against culture model ultimately fails because it "persist[s] in the delusion that our fundamental religious commitments have nothing to contribute to the time we spend at work").

